

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

HELIUM GAS PUBLIC HEARING

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1 P R O C E E D I N G S

2 MODERATOR: I guess we will go ahead and get started.

3 Good afternoon. My name is Tim Spisak. I'm the Amarillo

4 field office manger from Amarillo, Texas. And we are

5 starting conducting the fifth of five public meetings to

6 discuss the helium regulations. The first meeting we had

7 was in Amarillo, the second in Houston and then in

8 Portland and Denver. And this is the last one here in

9 Washington.

10 Just a couple of comments before I start. I'm going

11 to give a total brief overview, probably 10, 15 minutes or

12 so, going over what we do in Amarillo and the helium

13 program. And we've gotten a couple new more traditional

14 BLM functions. I'll touch on them a little bit and then

15 the helium stuff, pointing out particular areas where

21 more used to the government developing regulations, a
22 proposed or rule and then going through this process.
23 We felt, and I think generally speaking, we're going
24 more towards getting comments on the front end before we
25 developed them and said we can work better determine what

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1 types of issues are out there before we actually start
2 writing them. It's our intention it's very likely that
3 once we get a little further along and the regulations are
4 proposed, we will probably have another round of these I'm
5 not going to commit to that now. But I would say that's a
6 pretty good bet that will go in that direction.

7 [Slide.] First, I'll just cover some of authorities
8 that we operate under. The one that's probably or the one
9 that has probably a lot of historical importance is the
10 Helium Act of 1960. Under that act, it authorized the
11 Bureau of Mines at that time to purchase helium from
12 private companies that constructed helium extraction

18 constructed a 425 mile pipeline that terminates near
19 Amarillo, Texas and going up into Kansas. And it was
20 designed to take that gas from the private extractors and
21 ship it south for storage in the gas field.

22 The next act that also had a major impact on our
23 current operation. It was the helium privatization act of
24 1996 one of the things it directed us to do was to get out
25 of the helium refining business which we have done as well

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1 as sell down. It came up with a means of selling down the
2 conservation helium that was purchased in the '60s and
3 '70s over a ten year period, basically starting no later
4 than 2005.

5 It also directed us to dispose of the properties we
6 no longer needed. And maybe a little out of order, it
7 directed us to start our in kind crude helium sales.
8 Those are sales where those private helium refiners that
9 sell refined helium to a federal agency or a contractor

15 16 have been in place a lot longer than that. But the
16 3195 regulations are something we had a fairly short
17 period of time to develop and put in place. Because we
18 had to have them in place prior to our refining operations
19 closure in April of '98.

20 When the act passed in October of '96, we had about
21 an 18 month period for getting those regulations in place
22 and we took about a year to do those. You might ask,
23 well, we'll also take a year to do a regulations. We
24 expect it will take a little bit longer than that. The in
25 kind regulations were fairly targeted to a fairly small

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1 group of individuals. They're not very controversial.
2 And we had a pretty close time line to get those done.
3 But we'll talk a little bit more about that in a minute.
4 [Slide.] Besides the four main helium test that we do
5 in Amarillo. We also picked up a couple of additional
6 more traditional BLM functions. Starting in October 1st

12 not a lot of - there's very little surface land in those
13 states and due to the proximity to Amarillo it made sense
14 to split up this territory and do some of the more
15 traditional functions out of the Amarillo office.
16 [Slide.] The first one being the inspection and
17 enforcement. We have a petroleum engineer and technician
18 whose primary job is to inspect the 700 or so federal
19 wells in southwestern Kansas and those in Oklahoma, the
20 panhandle. And having a PET located in Amarillo just
21 makes it a little bit less travel time, a little bit more
22 efficient way of dividing up the work force.
23 In this area, we're not talking about regulations.
24 BLM has a well developed set of regulations for that. But
25 for completeness, I want to kind of go over that real

1 quick.
2 [Slide.] The other areas are typical public land
3 management type activities. The helium program required

9 area.

10 This map does show all the rights that we have in the
11 area, the Bush dome where we own the gas rights and the
12 storage rights and this other greenish color here that we
13 own gas rights in that. And then the light blue is the
14 gas. Everything but the oil rights.

15 [Slide.] The first major helium task is our
16 transmission function. This is anchored by the cliff side
17 storage field. We've got about a little under 30 billion
18 cubic feet of government owned helium remaining from the
19 32 that was purchased in the early '60s and '70s, a little
20 under 4.5 billion cubic feet of privately owned helium and
21 all of that is surrounded by about 200 billion cubic feet
22 of natural gas.

23 This map shows how the helium grades from a 70
24 percent quality all the way down to a little under two
25 percent helium.

6 extractors which are the blue circles with privately owned
7 helium refiners which are the triangles.

8 You will see that typically often there will be a
9 privately owned extractor next to a privately owned
10 refiner. This allows the extractor to supply the refiner
11 with its helium. If the extractor has more helium than
12 the refiner needs, then that helium can go into storage.
13 If the extractor doesn't produce enough helium for the
14 refiner, that allows the refiner to pull helium out of
15 storage. Without the connectivity provided by the
16 pipeline, we could potentially have a lot of helium that
17 would not be recovered. It would either have to be sold
18 or lost.

19 And so in the system, both the pipeline and the field
20 down here near Amarillo allows for private companies to
21 defer sales of the helium for next week, next month or
22 three years from now or whatever time. So it acts as a
23 real good benefit to ensure that we conserve the helium
24 that is being produced from the big mid-confident area or

3 produce the helium back out of the field, we're having to
4 build some modifications out in the field, the first one
5 being the pipeline crude helium compressor. This was
6 installed through a partnership with private industry
7 where they constructed and paid for the compressor to help
8 compress the gas coming out of the field into the pipeline
9 and we're in negotiations now to build a crude helium
10 enrichment unit similar to this one picture that will help
11 us manage the gas field over the long haul.

12 One of the things that we would like to get your
13 comments on is would you have any suggestions for
14 improving the processes that we currently use for storing
15 private helium at the Cliffside Storage Facility, anything
16 along those lines. This is an area that we do use storage
17 contracts and a lot of it is done through contracting and
18 through feedback with private industry. It looks like I
19 think things are pretty well settled. But if there are
20 some suggestions you might have, we certainly would
21 welcome those.

1 legislation that was passed in '96 does specify that the
2 reserve would need to be sold down and the language is
3 along the lines of no later than 2005. The Secretary
4 would offer for sale - offer for sale is an important key
5 phrase there - but about 1/10th of the reserve from 2005
6 to 2015.

7 One other thing that points out is the minimum price
8 for which we have to sell that. Right now that price is
9 about \$50.00 a 1,000 cubic feet. That's now roughly
10 double the current market value for the crude helium. And
11 I think the intent there is being that it not compete with
12 the private crude helium market and ensure that there's
13 conservation of that helium reserve.

14 But this is an area where we would like as much input
15 as possible to help us develop a means that will be able
16 to sell this reserve in a responsible and a manner that
17 will encourage conservation.

18 Now, a couple of years ago, I would say that by 2005,

24 being put on the market. And we are directed to do it
25 through consultation with the private industry. And that

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1 is what we're doing here. But whatever information or any
2 ideas that you would have in that area, we certainly would
3 like to hear them.

4 Also, while the in kind sales regulations have been
5 in place for a couple of years, it would be a good time
6 that if you have any thoughts or any ideas about making
7 those better, to go ahead and get those comments into us.
8 We feel like if we're going through the process of going
9 through and developing regulations, that it would be an
10 ideal time to make adjustments to those if necessary.

11 This chart down here shows the helium produced over
12 the last 15 years of U.S. produced helium. The blue is
13 private supply. The green being that sold by the Bureau
14 of Mines when it had its refining capability. And the
15 yellow is the in kind sales taking the place of the Bureau

21 the evaluation gas analysis areas. One of the tests that
22 we do is track helium reserves across the United States
23 and to a lesser extent around the world. We try to
24 classify helium reserves that are depleting and non-
25 depleting so we could have a better idea of when we have

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1 to maybe change our operations to meet those types of
2 demands.

3 This map shows helium bearing and natural gases
4 throughout the U.S. The blue is generally about .3
5 percent helium or less. And the gold color is showing
6 reserves that are .3 percent or greater. Now, generally
7 speaking, rule of thumb, .3 percent or higher is more
8 economically viable for recovery. Although that doesn't
9 always hold true. If there's some other activity, for
10 instance, some LNG facilities or whatever they're
11 concentrating natural gas production work, it might enrich
12 the helium feed. It might be economical there.

18 we'd like some input on. Also, a means of trying to
19 collect data worldwide. Because more and more of the
20 helium market is becoming more and more of worldwide
21 importance.

22 In that prior chart, it showed sales around \$4
23 billion a year. About one billion cubic feet of that is
24 actually exported outside this country.

25 [Slide.] The second part of our helium evaluation gas

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1 analysis is our gas analysis functions. We have a
2 database of about 20,000 gas samples starting since 1917.
3 And these gas samples are sampled all across the United
4 States, specifically analyzing for helium. But most of
5 them have a complete mass spectrometer breakdown. We used
6 that to help determine those helium reserves and also a
7 sampling is done for the storage program. The various gas
8 levels that we put into production, as well as the
9 pipeline companies along our pipeline. The gas analyses

15 that we go out and would that be something that could be
16 incorporated in a regulation that would increase the
17 coverage of the sampling program and maybe identify
18 sources of helium that we may not know about right now?

19 [Slide.] The last major task that we do down at
20 Amarillo is keeping up with helium produced on federal
21 lands. We determined the helium ownership rights as well
22 as collect and audit the fees, sales and royalties from
23 those sales made on federal lands.

24 This right here is Section 8. Out of a standard BLM
25 oil and gas lease, it specifically reserves the helium on

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1 federal lands to the federal government. And there's a
2 sentence in there which directs that this clause be
3 contained in any other gas contracts that are made from
4 that point. We've noticed that this particular cause
5 often gets, oh, dropped or forgotten about. And it has
6 caused some problems in us trying to find helium that is

12 some regulations and help in this area.

13 Generally speaking, helium that is coming off of

14 federal lands and is produced, extracted and sold, there's

15 a requirement that a portion of those monies be paid back

16 to the helium program and consequently the Treasury. And

17 with all different operators spread throughout the

18 producing area, we need some help in being able to track

19 down those types of helium being produced in those areas.

20 And this is where we need some help.

21 Some of the questions that we have to get some input

22 on. For instance, is it reasonable to allow an eight

23 percent loss of helium from the well head to the point of

24 sale before seeking compensation? Could we use a method

25 similar to the one used to protect oil and gas to protect

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1 helium from drainage?

2 Also, should we require a separate bond to cover

3 helium production? Or should we allow operators to

9 streams in close proximity to extraction plants or in
10 areas where there's local BGU gas content.

11 [Slide.] This map shows the growing area where helium
12 is being produced. This area shows the pipeline. But
13 there are several plants in Eastern Colorado, Eastern Utah
14 and Southwestern Wyoming that are producing - taking
15 helium out of natural gas production, all the way up to a
16 gaseous or liquid form - they're not part of the pipeline
17 system, but there is production off of federal lands that
18 we're trying to track. There's also some reserves in New
19 Mexico and Arizona that are being looked at and evaluated
20 now for possible production.

21 So it is kind of a - in some respects it's limited to
22 a particular area. But it's still a pretty big area. And
23 we're hoping that the regulatory development can help us
24 give us the tools that we need to better attract the
25 federal helium that's being produced and sold.

6 presentation. I'd like to go ahead and open it up to
7 that. And after we're done with the presentations, we'll
8 entertain any questions that you have.

9 We want to emphasize that the questions when it comes
10 to point of facts or current operating procedures, we'll
11 be glad to answer. But when it comes to policy or
12 speculating about what we think might happen, our main
13 point is for this to be a listening session. We want to
14 hear your thoughts and ideas. But the whole point of this
15 is to get that information prior to getting into the
16 actual development phase. And so we'll try to defer those
17 questions. It's important to get those on the record.

18 Because those help us identify the types of concerns that
19 the public has and it will give us a little better
20 database to develop regulations that will cover those
21 concerns. At this time - is Phil first? We will bring
22 this back on, but the comment period does continue through
23 March 26th. And often times, you may not think of
24 something right now, but it could be an hour from now or

3 Or they could be hand delivered mail. And also, for more
4 information, go to our web site at www.nm.blm.gov or ask
5 general comments to this e-mail address here. I
6 understand Phil is going to be using the overhead.
7 Once he's done, we'll put this back up so you can
8 take notes. Also, we'll be posting this presentation as
9 well as the transcripts from the various public sessions
10 upon the Internet in the next week or two.

11 COMMENT: I'm Phil Kornbluth. I'm Vice
12 President of Special Products for BOC Gases and I've got
13 some comments to offer. Regarding the disposition of
14 crude helium from the BLM stockpile. [Viewgraph.] My first
15 typo there, it's now 2001. I would encourage you to ask
16 questions if that's okay with you, Tim, while we're going
17 through this.

18 [Viewgraph.]. The scope of our process will be limited
19 to the process that will be utilized to dispose of crude
20 helium from the stockpile. That's a subject near and dear
21 to the primary refiners. The specific issues that I want

1 helium sold from the stockpile be priced? Which, of
2 course, is a key issue. Who should be eligible to bid?
3 And another issue that as we have thought through the
4 process, what would happen if bids are received for more
5 than the quantity of crude helium that is offered for
6 sale?

7 So those are the topics I'm going to discuss. My
8 first slide is really a one slide overview. I wasn't sure
9 if we were going to have five minutes or fifteen minutes.
10 I think I will probably need about fifteen if I go through
11 all of them.

12 [Viewgraph.]. This is a one slide summary of our view
13 of how the whole thing should work. First of all, we
14 think that the initial offer to sell crude helium should
15 be made as soon as the regulations are in place.

16 Tim mentioned the legislation that says that crude
17 helium must be offered for sale no later than January 1,
18 2005. There's no reason why it couldn't be offered

24 The size of the block in our view is that it should go
25 strictly in accordance with the legislation. The

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1 legislation says between the time you start selling and
2 2015, you are offering it in quantities. So you sell it
3 off on a straight line basis. We have no problem with
4 strict adherence to the legislation on that point.
5 If bids are over subscribed, for instance, three
6 billion feet is offered for sale and offers are received
7 for four billion cubic feet. Our thoughts are that the
8 way you would deal with that is allocate the offered crude
9 helium to the bidders on a pro rata basis.
10 The next point then term sales. We don't think term
11 sales should be allowed. And I have got some backup for
12 this point and all the other points behind here. And as
13 far as the price, our view is that the crude helium should
14 be offered for sale at prices that are established based
15 on the formula described in the Helium Privatization Act.

21 be allowed to bid on the crude helium.
22 [Viewgraph.]. A little bit of the reasoning behind
23 these things. And some of these things are a little
24 counter intuitive. What we tried to do is go through the
25 mechanics and actually think through what might happen in

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1 different situations, what would work, what wouldn't work.
2 As far as the timing, I sort of went through that
3 point. We know when the sales have to commence by, but we
4 don't know when we're going to start. And the blue are
5 the points I'm trying to emphasize.
6 We think the initial sales should take place as soon
7 as regulations are in place. We understand that might be
8 about two years from now according to Tim. One of the
9 reasons behind this recent high natural gas prices and
10 unstable energy markets give rise to the possibility of
11 accelerated depletion of privately owned inventory.
12 Now, we have seen gas that was normally processed for

18 now and 2005. But again, if you're ready to offer this
19 stuff for sale earlier, we can't see what it would hurt.
20 And this last point, we would really like to be
21 allowed to clarify when the sales will commence as soon as
22 possible. So that potential buyers can factor it into
23 their long range plans. It is an important point to us
24 and I believe to our competitors to know when the crude
25 helium sales will start.

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1 [Viewgraph.]. This next slide is a little bit of a
2 discussion on the question of term sales versus recurring
3 spot sales. Again, we recommend that a block should be
4 offered for sale annually at the same time each year.
5 Again, this predictability is important to us. The size
6 of the block should be established in accordance with the
7 act.
8 We see some problems with term sales. Intuitively,
9 you would say that would be a great thing for the

15 And so it could be in the private helium industry.
16 It's very common for us to find a crude helium producer
17 and enter into an agreement ten, fifteen years. They
18 produce it. We buy it and pay for it when they produce
19 it. And so the concept of a term sale here would be that
20 you can control a larger quantity of crude helium in the
21 stockpile than you've actually paid for and take delivery
22 over time.
23 The problems that we see with it, first of all, if
24 for instance you could interpret that the BLM could sell -
25 could do - could enter into agreements that would sell

21

1 the 30 billion feet over ten years, 3 billion feet a year.
2 And you might have three agreements like that that would
3 sell it timing wise similar to what the legislation
4 contemplated.
5 The problem I would have with that is we wouldn't
6 like to see a bidder lock up a huge block in an effort to

12 our view is if you want to control it, you should have to
13 pay for it along the same lines.

14 Really, this is a very similar point. If you were to
15 allow someone to control the inventory without paying for
16 it, then in effect the government is paying the interest.
17 I mean, the government is incurring the carrying cost.
18 And although we might like that as a private refiner, it
19 seems like that is not going to fly. That would be a
20 pretty unfair thing for the government.

21 And finally, one of the key points in the legislation
22 is whatever is done, it shouldn't disrupt or shouldn't be
23 overly disruptive to world helium markets. And what we
24 would see is if you could do term deals, you would have
25 probably a very rapid influx of new entrants which is

1 potentially disruptive to world helium markets. You could
2 have an immediate going from a tight market or a short
3 market to an immediately over supplied market. And again,

9 Mr. Kornbluth: I'm advocating that the government not
10 sell crude helium on a term basis. So we're saying it
11 should be an annual spot sale basis, an annual bid.
12 [Viewgraph.]. This is the pricing issue which is
13 another key issue. And we would offer the crude - if it
14 were up to us, we'd like to see the crude offered at the
15 price calculated in accordance with the legislation.
16 One of the big things there is it's somewhat
17 predictable. And again, the planning element is important
18 to us. The other thing that it would do is it wouldn't
19 guarantee that the debt would be repaid. And that is one
20 of the key points of the legislation. So we would see
21 that as least disruptive to the helium market.
22 Lower prices might seem attractive. Sure, we would
23 love to have lower costs and all of that kind of thing.
24 But at first blush, you would say, okay. That should be
25 attractive to the refiners, but legislation required to

6 And frankly, given the current view of the market, we
7 think the markets are tightening. And there is a very
8 real scenario that says that prices will rise to a level
9 where crude helium from the stockpile could be
10 competitive. And so again, things change. The crystal
11 ball is good for a year or two. But right now it looks
12 like that that might be the case.

13 Prices above the formula price might be realizable if
14 you chose to set higher prices or some kind of an auction.
15 But they wouldn't be required to retire the helium
16 program's debt. And I've got this view in mind of just
17 speculation where one year this stuff costs fifty bucks,
18 the next year it costs 70 bucks, the next year it costs 60
19 bucks, the next year it costs 90 bucks. It's very hard to
20 run a business when your costs are jumping around like
21 that. And it's not an optimal situation from our
22 standpoint.

23 [Viewgraph.]. Another thing we thought about is what
24 could go wrong with this or what do you have to deal with.

3 And we think that is a fairly simple thing to deal with.
4 We would divide the crude helium that was offered amongst
5 the bidders on a pro rata basis. So a simple formula,
6 what you would get would be the volume that you offered to
7 purchase over the volume that all bidders offer to
8 purchase times the quantity offered for sale. A simple
9 formula.

10 And again, that is the alternative to the auction
11 process. But it is a way to fairly allocate the crude
12 helium.

13 [Viewgraph.]. And then my last slide is show should be
14 allowed to bid? In our view, this is an easy one. If you
15 have a contract, a storage contract, you should be allowed
16 to bid. That is very straight forward.

17 MODERATOR: Do you see any restrictions to anybody
18 else bidding?

19 Mr. Kornbluth: No, not really. I think there are
20 some restrictions now in that there is a fee. So you
21 can't have a storage contract - I guess you can, but most

1 who say they have a contract. So, any questions? Tim or
2 anybody?

3 COMMENT: If you have the same price for everybody, how
4 do you discriminate who gets it?

5 Mr. Kornbluth: Well, again, what we said was if more
6 folks wanted the helium than was offered, then you would
7 allocate it on a pro rata basis. So if you had three
8 billion feet offered and the bid is for four billion feet,
9 then everybody would get three-fourths of the quantity
10 they bid upon.

11 There's one more point I want to make. This is again
12 the auction versus the setting of price. I could envision
13 a scenario where suppose you had three billion feet
14 offered and you had bids, a bid from Company A for one
15 billion cubic feet at \$65 and a bid for a billion cubic
16 feet from Company B for \$55 and you have a billion feet
17 that nobody bid on. I think that is a little
18 problematical for me with sales from the government

24 or not, then you're selling it all to one company at one
25 price. But it doesn't sit right with me that you're

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1 selling the stuff to different parties at different prices
2 as the U.S. government. When in fact you might have
3 another billion feet that nobody bid on. And they could
4 have had it for the minimum price. And so I have a little
5 bit of a problem with the bidding process. Even though
6 when you first think about this, the first reaction, I
7 think, of a lot of people would be just auction it off.
8 But again, I think we might have some problems.
9 COMMENT: I just have a question about what you said
10 about who should be eligible to bid. Is the concern more
11 along the lines of someone not having adequate storage for
12 it? Or actually is that perhaps a way that - are you
13 interested in trying to maybe certify and limit the
14 number?
15 Mr. Kornbluth: No, not at all., I believe

21 wants to speculate in crude helium, \$20,000 gets you a
22 contract and see if you can corner the market. But I
23 wouldn't expect a lot of that. There's going to be a lot
24 of I would imagine gamesmanship just like there always is
25 in something that is competitive. But, no. The intent.

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1 It is really an open bid. \$20,000 is your entry fee.
2 COMMENT: That pro rata business, you're assuming that
3 the minimum price is the price set by the law?
4 Mr. Kornbluth: Yes. And frankly, even if it wasn't -
5 and these are our ideas - we're not thinking that they're
6 going to say, okay. Here's the regulations. But even if
7 the price was set above the formula price, I think it
8 would still be preferable to have a posted price as
9 opposed to having an auction. Anybody else? Thanks, Tim.
10 MODERATOR: The prices that Phil was talking about is
11 storage contracts. Annually, it's a \$12,000 fee which he
12 was referring to. If you have a plant actually connected

18 company has either into or out of the system. And so by
19 definition, the storage contracts collect through those
20 contracts the cost for the government to store private
21 helium. And that is the means that we do it. Any other
22 presentations or anything? I'll certainly open it to any
23 questions you may have. We may or may not be able to
24 answer it, but this is a way to get your thoughts on the
25 record and give us something to consider as we start

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1 developing the regulations.

2 Mr. Kornbluth: What's the process? In other
3 words, you're going to get some comments. You got some
4 comments just now. You're probably going to get some
5 written comments. Then what? You and some of your
6 colleagues sit around the conference room. I mean, who
7 forms the regulations, the draft regulations?

8 MODERATOR: Well, we have a helium regulations team
9 that was formed in September that came down to Amarillo.

15 regulations, to leasing, all of that sort of thing, kind

16 of a wide variety of people.

17 By March 26th, we expect this initial comment period

18 to close down at which point we will pull all of those

19 comments together and kind of go through some

20 categorization process to put them into the various boxes

21 that we're looking at.

22 And the way I understand it is the Amarillo people

23 will put together some draft regulations, just something

24 to start out with, that the team will then consider. And

25 then I would suspect it would bounce back and forth within

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1 BLM for a while until we develop proposed regulations.

2 At which time, they would be posted and another round

3 of comment periods like this. And then we get those

4 comments, put them back into the mix, make any changes or

5 not just depending upon what the comments are and bounce

6 around and then put them out in a final draft.

12 straight forward. There's not a lot of controversy. But
13 there are some areas that potentially could be.
14 So I think that the two year timeframe that we have
15 right now is probably realistic. But if it goes faster
16 than that, well, we're not going to hold it up just to say
17 we said it would take two years. But I would think just
18 the human nature and the way things work is we will
19 probably use all of two years and maybe then some.
20 But I think it is important to note that the law as
21 far as the crude helium sales portion is concerned does
22 say no later than 2005. And it would be my expectation
23 that when the regulations are published final that there
24 would be no reason not to start selling helium at that
25 point. We don't have to wait until 2005. It could be as

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1 soon as we have the regulations.
2 COMMENT: Tim, just a question. There is some ambiguity
3 in the language no later than 2005 which could imply that

9 the following year, is it possible that this could extend
10 beyond 2015 as long as you've made an effort to sell most
11 of it by 2015. Or do you have to in year two, for
12 instance, carry some pro rata portion of the spillover?

13 MODERATOR: I don't think we have to do - the only
14 thing we have to do according to the legislation is offer
15 for sale. So, say in 2005 as you say it was three
16 billion, would you carry that - say only two billion were
17 sold. Would that billion be carried over? Or would it be
18 pushed to 2016? I don't know. What do you think? What
19 do you think should happen? Should it just carry over?
20 Or push it to 2016?

21 COMMENT: I think the market should decide what should
22 sell at that price. It very well could be that in year
23 two instead of trying to sell one-ninth of 28 billion at
24 that point, you may go back and try to sell whatever the
25 market allows you to sell. You could literally extend

6 From reading the legislation, I think that's what it says.

7 It wouldn't matter to me if it went until 2016 or if you

8 sold it all in the second year because you didn't sell it

9 in the first year. That is a point I think that is

10 addressed in the legislation.

11 MODERATOR: It's amazing, the legislation. It seems

12 like you have ten people read a paragraph, you get ten

13 different answers. And I haven't looked at that

14 particular section of the language to remember exactly

15 what it says.

16 COMMENT: I think the legislation says you have to offer

17 it all for sale by 2015. It doesn't say you actually have

18 to sell it.

19 MODERATOR: If I recall, it seems to me that is more

20 like whatever that amount is. In that first year, it's

21 that same amount at least. Offer that for sale for the

22 next ten years. But what happens if it isn't offered for

23 sale? It doesn't address that at all. Which I would

24 guess that that's the thrust - wouldn't that be what you

3 point. There shouldn't be any ambiguity.

4 MODERATOR. Oh, yeah. When it comes to 2005, it is

5 my expectation completely that there won't be any

6 ambiguity at all. Everybody will know very clearly how

7 that will go. Just because it doesn't say in the

8 legislation, it doesn't mean we should continue. I mean,

9 surely through this process and your comments and the back

10 and forth in the regulatory process, we will come up with

11 something that will maybe not satisfy everybody. But it

12 will certainly take everybody's concerns into account and

13 work within the way that we think is best.

14 COMMENT: Don't you think that supply and demand will

15 play a role in that too?

16 MODERATOR: Absolutely. I think basically what it

17 boils down to - that's why they put the offer for sale in

18 there. If they would have said we'll sell, I mean, the

19 market's going to decide really when you have a price that

20 is set or there is a mechanism for determining that that

21 takes away one of the market's means of moderating that

1 that in less than eight years the consumption doubled.

2 And you said half of that, if I understood you correctly,

3 was exported. Total market.

4 MODERATOR: No. It's been about a billion a year for

5 the last several years. And the total market - it shows

6 about 4.5 billion in 2000. And it seems like one billion

7 of that was exported. Does that sound about right, about

8 one billion last year exported? About 25 percent. And in

9 the last five years, it's been about that range. The way

10 I understand it, there are additional plants coming online

11 world wide that will fairly keep up with the growth that

12 is happening worldwide.

13 COMMENT: I guess my concern was in the tight market

14 that we as the consumers saw this year with several things

15 that happened, and growth of consumption in the worldwide

16 market probably growing - maybe growing faster than the

17 domestic market. It raises the question in my mind if

18 there is any export regulations here that might come into

24 market. I know this year within the federal government

25 export regulations have really gotten a lot of scrutiny

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1 and a lot of press. And it just occurred to me that that

2 might be an issue that would take some consideration in

3 terms of policy over the next five or ten years.

4 COMMENT: Tim, I think that there is an import

5 regulation or duty right now that it is not that high.

6 But I think it's three point something percent which would

7 impede importing if anyone needed to into this country.

8 And so I think you need to look both at exports and import

9 duties or penalties or whatever you want to call it. If

10 you're going to look at one, you have to look at the

11 other. The United States, of course, was the major

12 exporter of helium for the world. We had probably 95

13 percent of the market. That is no longer true. Nor will

14 it be in the future. As I can see anyway. It's going to

15 come from other gas producing places in the world. So we

21 United States. There's probably some out there, but it's
22 probably fairly - probably have a fairly good handle on
23 what's out there. And that is a finite amount. And at
24 some point, the supply and demand is going to cross. And
25 there's going to be some point where you're going to see

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1 some similarities with the oil industry. Where in the
2 early days, there was plenty of oil for everything. And
3 now we're importing oil. And so this may be - I wouldn't
4 even guess when - maybe a long time out. But we could
5 have a similar circumstance with helium down the road.
6 COMMENT: That is why I was relating more pressure on
7 more and more interest in buying the reserves in the
8 future because of that factor.
9 COMMENT: I would like to mention the fact that this is
10 a rather special situation. Helium is a commodity. And
11 commodities have similarities. But they also have
12 differences. And the storage system stores many years

18 it is that over the years that this storage system has
19 been in existence, it has been a tremendous benefit to the
20 consumer in stabilizing prices.

21 We have seen in this last year domestic oil, gasoline
22 and natural gas prices change by very significant amounts
23 because they're sensitive to the supply and demand
24 situation.

25 In helium, there are changes in price from time-to-

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1 time. But they are not of that kind of magnitude. And
2 the reason is that no short-term excess of demand over
3 supply can exist as long as you have this large quantity
4 in storage when you have a tight supply situation and draw
5 out of storage. That tends to maintain the consistent
6 flow of product to the consumer.

7 And it has worked extremely well. Not only does that
8 satisfy the United States user, but this particular
9 storage system stabilizes the situation for the whole

15 there were operating difficulties at a number of plants,
16 some on the pipeline system and some of the large plants
17 in locations not connected with the pipeline had very
18 significant operating difficulties. And the pipeline or
19 the storage system generally speaking took care of that.
20 But it was a very tight situation. And hopefully, in
21 future years, you won't get a combination of ill fortune
22 at so many different producing locations. It can happen
23 again, but I would generally speaking expect that in
24 future years, you won't get that concentration of plant
25 difficulties.

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1 MODERATOR: Anybody else? Well, once again, this
2 presentation and the comments will be put up on the web
3 sites in the next couple of weeks or so if you're
4 interested in the information there. I encourage you to
5 go look at that. I especially encourage you to put any
6 comments you might have - that you've thought about either

12 COMMENT: Tim, if we have a brilliant idea on March
13 27th, I mean, obviously we all want to follow the law and
14 not do anything inappropriate. Would it be okay to send
15 it or at that point do we hold our good ideas until the
16 public comment period on the proposed - or when you
17 actually have a draft.

18 MODERATOR: I think the way it says it is it may not
19 be. [laughter] We will judge whether it's brilliant or
20 not.

21 COMMENT: Tim, your previous four meetings, are those
22 comments on the web?

23 MODERATOR: Not yet. Earlier this week the
24 transcripts arrived from the first two meetings. And they
25 take a week or so. And you will get to hear me kind of

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1 drone on with very similar type language for the prior
2 four ones. I know each one's a little bit different and
3 maybe more different than I think. Anything else? Well,

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